

Overhead Lines (Exemption) (England and Wales) Regulations 2009/640

reg. 5 Further restrictions on the exemptions contained in regulation 3

Law In Force

Version 1 of 1

6 April 2009 - Present

Subjects

Energy; Planning; Utilities

5.— Further restrictions on the exemptions contained in regulation 3

(1) The exemptions in [regulation 3\(1\)\(c\)](#), [\(e\)](#) and [\(f\)](#) shall not apply where—

- (a) the electric line is to be installed in a different position from the existing line; or
- (b) the height above the surface of the ground of any support for the electric line will exceed the height of the highest support which is to be replaced; or
- (c) subject to sub-paragraph (3), the installation will be in a National Park or an area of outstanding natural beauty,

and it is determined for the purposes of this regulation that there is likely to be a significant adverse effect on the environment.

(2) For the purposes of this regulation it shall be determined that there is likely to be a significant adverse effect on the environment if—

- (a) notice is given by the person proposing to carry out the installation to the relevant planning authority of that proposal; and
- (b) the relevant planning authority, within six weeks of receiving that notice—
 - (i) determines that if the installation were completed in accordance with the proposal it would in the opinion of that authority be likely to have a significant adverse effect on the environment; and
 - (ii) notifies the person by whom the notice was given and the Secretary of State of that determination.

(3) Where it is necessary to make emergency repairs to an existing line in a National Park or an area of outstanding natural beauty—

- (a) sub-paragraphs (1) and (2) do not apply; and
- (b) the person making those emergency repairs shall notify the relevant planning authority as soon as practicable that those repairs have been, are being or will be made.

(4) In this regulation—

“*area of outstanding natural beauty*” means an area designated as such by order under [section 82](#) of the [Countryside and Rights of Way Act 2000](#) ¹;

“*National Park*” means an area designated as such by an order under [section 5](#) of the [National Parks and Access to the Countryside Act 1949](#)² as confirmed by the Minister; and

“*relevant planning authority*” has the same meaning as in [paragraph 2\(6\) of Schedule 8](#) to the Act³.

Notes

- 1 [Section 82](#) (areas of outstanding natural beauty) was amended by [section 105\(1\)](#) of and [Schedule 11, paragraph 163\(a\)](#) to the [Natural Environment and Rural Communities Act 2006](#) (c.16).
- 2 [Section 5](#) (National Parks) was amended by [section 61](#) of the [Environment Act 1995](#) (c.25), by [section 130](#) of and [Schedule 8, paragraph 1\(5\)](#) to the [Environmental Protection Act 1990](#) (c.43) and by [sections 59\(1\)](#) and [105\(1\)](#) of and [Schedule 11, paragraph 10\(a\)](#) to the [Natural Environment and Rural Communities Act 2006](#) (c.16). [Section 4A](#) applies [section 5](#) to land in Wales. Functions of the Minister, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the [National Assembly for Wales \(Transfer of Functions\) Order 1999](#) (S.I. 1999/672), [article 2](#) and [Schedule 1](#).
- 3 [Schedule 8, paragraph 2\(6\)](#) (meaning of “relevant planning authority”) was amended by [section 4](#) of and [Schedule 2, paragraph 83\(1\)](#) to the [Planning \(Consequential Provisions\) Act 1990](#) (c.11), by [sections 20\(4\)](#) and [66\(8\)](#) of and [Schedule 6, paragraph 22](#) and [Schedule 18](#) to the [Local Government \(Wales\) Act 1994](#) (c.19) and by [sections 78](#) and [120](#) of and [Schedule 10, paragraph 30\(3\)\(a\),\(b\) and \(c\) and \(6\)](#) and [Schedule 24](#) to the [Environment Act 1995](#) (c.25).

Contains public sector information licensed under the Open Government Licence v3.0.